

Docket Item #8
SPECIAL USE PERMIT #2003-0116

Planning Commission Meeting
April 6, 2004

ISSUE: Consideration of a request for a special use permit for continuance of a nonconforming convenience store use.

APPLICANT: 7-Eleven Inc.
by Maynard Sipe, attorney

LOCATION: 4610 Kenmore Avenue

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, APRIL 6, 2004: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to delete condition #5. The motion carried on a vote of 6 to 1, with Ms. Fossum voting against.

Reason: The Planning Commission agreed with the staff analysis. As to the issue of allowing the sale of single beers, as requested by the applicant, a majority of the Commission expressed a strong desire to be consistent by applying the condition across the City.

Speakers:

Maynard Sipe, the applicant's attorney, spoke in support of the application. He requested that condition #5 regarding posting the hours of operation be removed because the operation is open 24 hours. Mr. Sipe also requested that the applicant be allowed to continue selling single beers in there have been no complaints related to single sales at this location.

PLANNING COMMISSION ACTION, MARCH 2, 2004: By unanimous consent, the Planning Commission deferred the request.

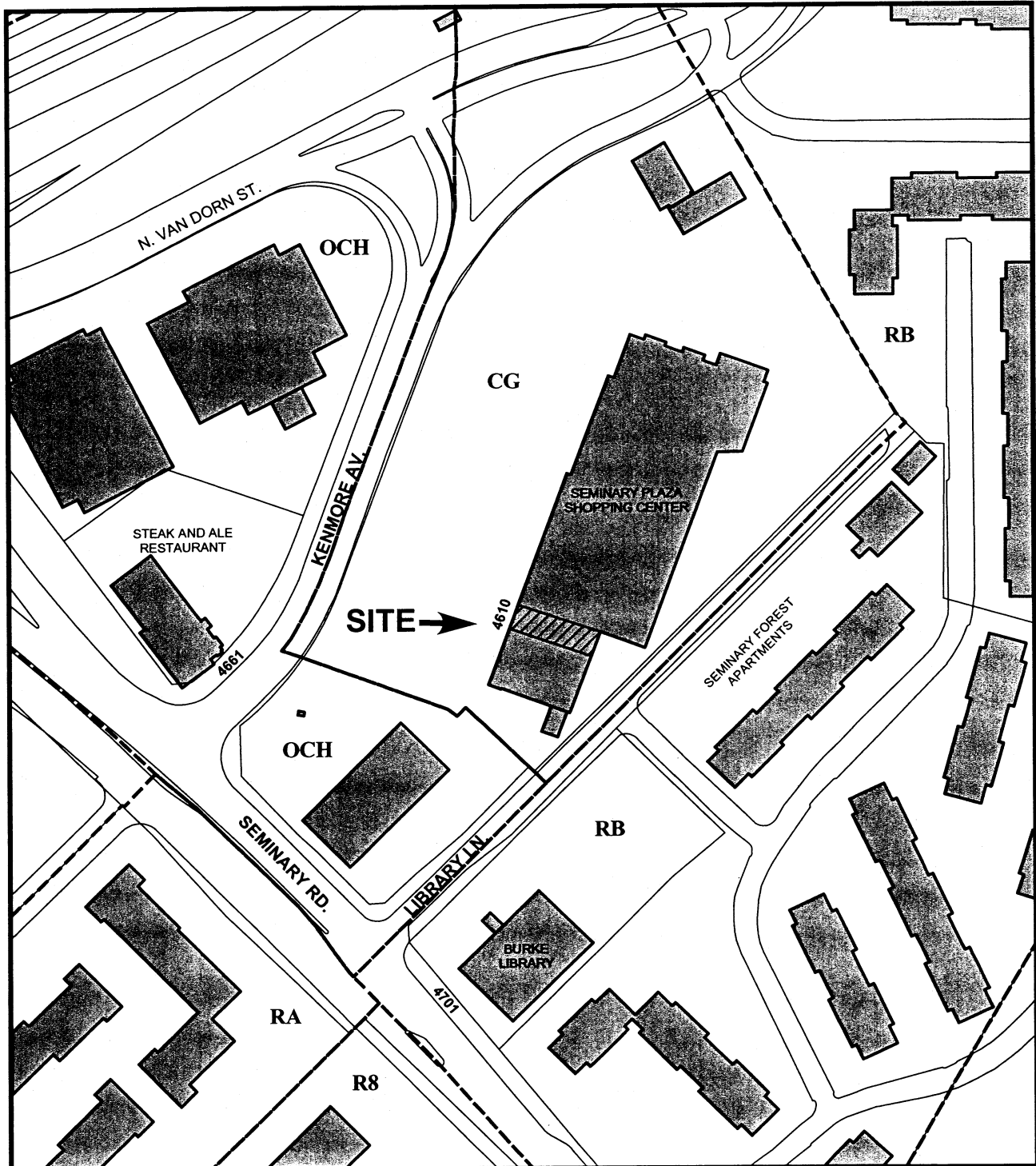
Reason: The applicant requested the deferral.

SUP #2003-0116
4610 Kenmore Avenue

PLANNING COMMISSION ACTION, FEBRUARY 3, 2004: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2003-0116

04/06/04



I. DISCUSSION:

REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 4610 Kenmore Avenue in the Seminary Plaza Shopping Center.

SITE DESCRIPTION

The subject property is one lot of record on Kenmore Avenue at North Van Dorn Street, with a total lot area of almost six acres. The site is developed with the one-story Seminary Plaza Shopping Center. The subject tenant space is approximately 1,600 square feet and is located toward the center of the building.

SURROUNDING USES

The 7-Eleven store is adjacent to a pizza and sub restaurant and a vacant tenant space. A grocery store and CVS pharmacy are also located in the center. The area surrounding the shopping center is a mix of office and commercial uses, with residential uses in the near proximity.

PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is the lessee of the property, and has operated the existing convenience store on the property since March 1964. The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages, which are consumed off the premises. The following information discusses the proposed continued operation:

Hours: The store is open 24 hours a day, 365 days a year.

ABC License: The store has an Alcoholic Beverage Control license for off-premise sale of beer and wine between the hours of 6:00 a.m. and 12:00 midnight.

Landscaping: The store is located in a shopping center with minimal landscaping. Common areas are maintained by the owner, Seminary Plaza, LC.

Sign: The sign is not a typical 7-Eleven sign, but includes white lettering consistent with the other tenant spaces of the center (see attached photo).

Parking: The original Site Plan#62-006 approved parking for commercial uses at this building, and additional parking is not required.

Waste

Management: Trash generated is typically solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week. Store employees perform a minimum of two litter walks per day to pick up litter around the store. Seminary Plaza provides groundskeeping of the common areas. There are two trash cans to control litter located in the area at the front of the business.

ZONING

The subject property is located in the CG/Commercial general zone. Section 4-403 (G) of the Zoning Ordinance allows a convenience store in the CG zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan which designates the property for uses compatible to the CG zoning.

II. STAFF ANALYSIS:

Staff does not object to the continued use of the 7-Eleven located at 4610 Kenmore Avenue. Because the store is located in a shopping center, many of the impacts normally associated with convenience stores can be better controlled, including that there is adequate parking, ample area for vehicular circulation to accommodate delivery and trash trucks, building staff to monitor maintenance and upkeep issues at the property, and that the store is not located in the immediate proximity of residential uses reducing the potential for negative impacts caused from this store. Staff did not observe any problems with litter or other maintenance problems on the premises. The 7-Eleven sign is subtle and consistent with the other tenants in the building. Finally, the business provides a valuable convenience retail service to the community.

In regard to alcohol sales, staff recommends the standard condition prohibiting single sales. The applicant discussed with staff the possibility of not including the condition because there does not appear to be any major issues with alcohol sales at this location. Although staff is not aware of specific problems caused from single sales at this location, staff supports the Police recommendation prohibiting single sales to prevent any potential problems, such as littering and loitering, and to be consistent with Police's policy to limit such sales city-wide.

Staff recommends a number of other conditions similar to those already approved for the previous 7-Eleven cases.

With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
3. No food, beverages, or other material shall be stored outside. (P&Z)
4. The business shall be permitted to operate for 24 hours daily. (P&Z)
5. **CONDITION DELETED BY PLANNING COMMISSION:** ~~The applicant shall post the hours of operation at the entrance to the business. (P&Z) (PC)~~
6. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)
7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z)
8. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
9. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
10. No seats or tables shall be provided for the use of patrons. (P&Z)

11. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z)
16. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (Police)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as 7-11 under Alexandria Health Dept. Permit, issued to The Southland Corporation.
- C-3 This facility and all the modifications must meet current Alexandria Code requirements for food establishments.
- C-4 Five sets of plans must be submitted to and approved by this department prior to the construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.

- C-5 Permits and/or approval must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including the common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 If and “ABC Off” license is approved we recommend the following conditions:
 - 1. Beer and wine coolers be sold only in 4-packs, 6-packs or bottles more than 40 fluid ounces. Wine may be sold in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with a alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

The following recommendation related to site lighting has not been included as a condition; rather, staff has recommended that the applicant maintain lighting to the satisfaction of the Director of T&ES in consultation with the Chief of Police, which will likely result in lower lighting levels than recommended by the Police.

- R-4 The lighting for the parking lot be minimum of 2.0 foot candles minimum maintained.
- F-1 The shrubbery is not an issue at this location as the store is in a shopping center.

APPLICATION for SPECIAL USE PERMIT # 2003-0116

[must use black ink or type]

PROPERTY LOCATION: 4610 Kenmore Avenue, Alexandria

TAX MAP REFERENCE: 020-04-01-01 ZONE: CG

APPLICANT Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, Virginia 22312

PROPERTY OWNER Name: Seminary Plaza, LP
c/o Community Realty Co.

Address: 6305 Ivy Lane, Suite 202, Greenbelt, MD 20770

PROPOSED USE: Convenience Store

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia. *To BE PROVIDED MS*

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Michael R. Vanderpool, Esq.
Maynard L. Sipe, Esq.

Print Name of Applicant or Agent
Vanderpool, Frostick & Nishanian, PC
9200 Church Street, #400

Mailing/Street Address

Manassas, VA 20110

City and State

Zip Code


Signature

703-369-4738

703-369-3653

Telephone #

Fax #

November 25, 2003

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

IYG Holding Co.
4-1-4 Shibakoen
Minato-ku, Tokyo
Japan 105

72.51% of common stock

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

See Attached.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: continuation of a non-conforming use (under Section 12-214 of Zoning Ordinance)

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Approximately 1,000 to 1,500 customers per day.

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Approximately twelve (12) employees total.

Maximum of four (4) employees per shift.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:	Hours:
<u>365 days per year</u>	<u>24 hours per day</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No significant noise beyond that generated by typical retail business activities.

B. How will the noise from patrons be controlled?

No significant noise from patrons is anticipated.

8. Describe any potential odors emanating from the proposed use and plans to control them:

No significant odors generated by use.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Typical solid waste from small retail establishments

(consisting largely of paper, cardboard and plastic)

B. How much trash and garbage will be generated by the use?

Approximately 24 cubic yards per week.

C. How often will trash be collected?

Multiple pick-ups per week by private hauler.

D. How will you prevent littering on the property, streets and nearby properties?

Employees perform litter walks twice per day on property in
vicinity of Store. Maintenance of common areas and parking lot is
provided by Seminary Plaza.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

Current ABC license for off-premises sale of _____
beer and wine 6 a.m. to 12 a.m. (midnight) _____

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

Ten (10) spaces

B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

 X Other. Shared parking within shopping center

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? one (1) space

B. How many loading spaces are available for the use? Separate loading area provided

C. Where are off-street loading facilities located? off-street loading area located at rear of store.

D. During what hours of the day do you expect loading/unloading operations to occur?
A consolidated delivery is made to minimize the number of truck deliveries. The consolidated delivery is made daily.

Large truck deliveries are scheduled to comply with the City's noise ordinance.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Consolidated deliveries arrive once daily. Other vendors deliver several times per week. Typically, three or four trucks deliver per 24 hour period.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

Approx. 1840 sq. ft. (existing) + -0- sq. ft. (addition if any) = 1840 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: Seminary Plaza Shopping Center

an office building. Please provide name of the building: _____

other, please describe: _____

**SPECIAL USE APPLICATION
7-Eleven, Inc.**

Kenmore Avenue (Seminary Plaza Shopping Center), Alexandria

WRITTEN NARRATIVE

7-Eleven, Inc. ("7-Eleven" or "Applicant"), the lessee of the property described in the City of Alexandria land records as Tax Map Parcel Number 020.04-01-01 and having a street address of 4610 Kenmore Avenue, Alexandria, Virginia (the "Property") requests approval of a Special Use Permit (SUP) to continue operating the existing use of a convenience store (the "Store"). This request is in accordance with Section 12-214 of the City of Alexandria's Zoning Ordinance that requires such SUP for continuance of any existing legal non-conforming use.

The Store contains approximately 1600 square feet. It is zoned commercial general zone (CG).

The Store is located in the Seminary Plaza Shopping Center. 7-Eleven has operated the existing convenience store on the Property since March 1964. The Store is well integrated into the community and provides a valuable service to residents, particularly in light of the small number of convenience retail stores within the City of Alexandria. (Only 14 such convenience stores existed in Alexandria, as opposed to 38 in Arlington, according to a 1997 Economic Census.)

Nature of Activity

The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages. The Store is intended to provide quick and convenient shopping and goods are typically purchased in small quantities. Food and beverages are purchased for consumption off premises. The Store has an A.B.C. license for off premises sell of beer and wine between the hours of 6:00 a.m. and midnight. The Store is open 24 hours a day, 365 days a year.

Architecture

The Store building's facade is part of the integrated facade for the shopping center building and is illustrated in the attached color photos (Exhibit A). No changes to the facade are proposed with this application. The existing 7-Eleven sign will remain above the entrance.

Landscaping

The shopping center presently has no landscaping. Responsibility for the common areas of the shopping center lies with the owner, Seminary Plaza, LC.

Parking

Adequate parking is available adjacent to the Store in the shared parking lot for the shopping center. Since the existing non-conforming use was established prior to 1992, the existing parking is grandfathered. A loading area is located to the rear of the Store.

Waste Management

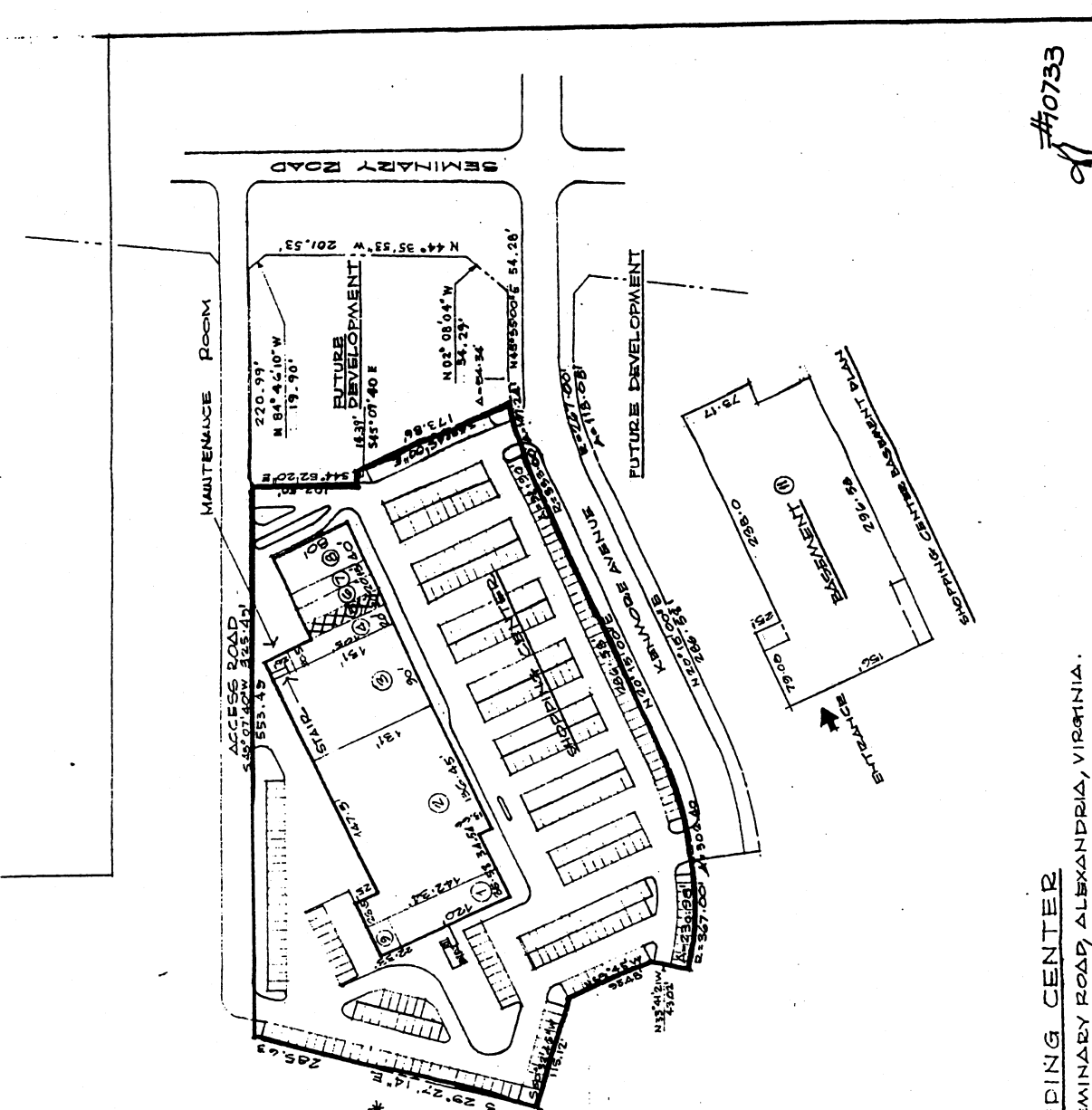
Trash generated is typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week.

Store employees perform a minimum of two litter walks per day to pick up litter near the Store. Seminary Plaza provides groundskeeping of the common areas.

Conclusion

The nature of the existing convenience store use and its scale of operations have proven compatible with uses within the shopping center and existing uses in the surrounding area and, thus, no significant change in operations is necessary. With approval of the requested SUP, the Store will continue to provide convenience shopping for Alexandria residents, meeting a need in the community.

#40733
dl



SEMINARY PLAZA SHOPPING CENTER
KENMORE AVENUE/NORTH OF SEMINARY ROAD, ALEXANDRIA, VIRGINIA.

STOLE NO.	AREA
1.	4269.60
2.	22518.00
3.	11790.00
4.	2112.50
5.	1600.00
6.	1600.00
7.	1200.00
8.	3200.00
9.	STORE(PART OF BASEMENT) 791.50
TOTAL STORE AREA 49084.60 #	

GROSS GROUND AREA 229,745.00 #
 FIRST FLR BUILDING AREA 49,617.60 # *
 NET GROUND AREA 180,147.40 #

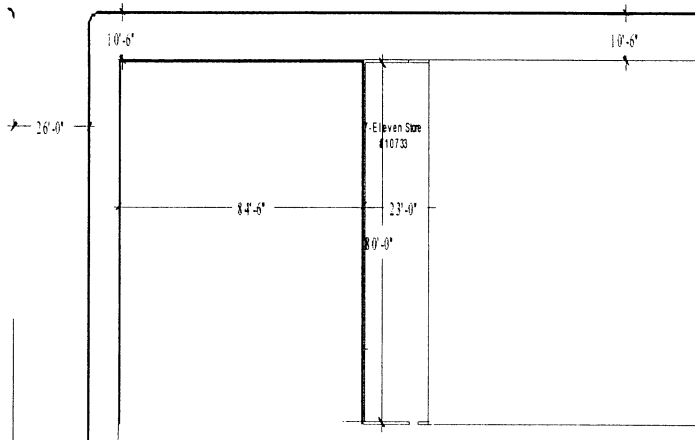
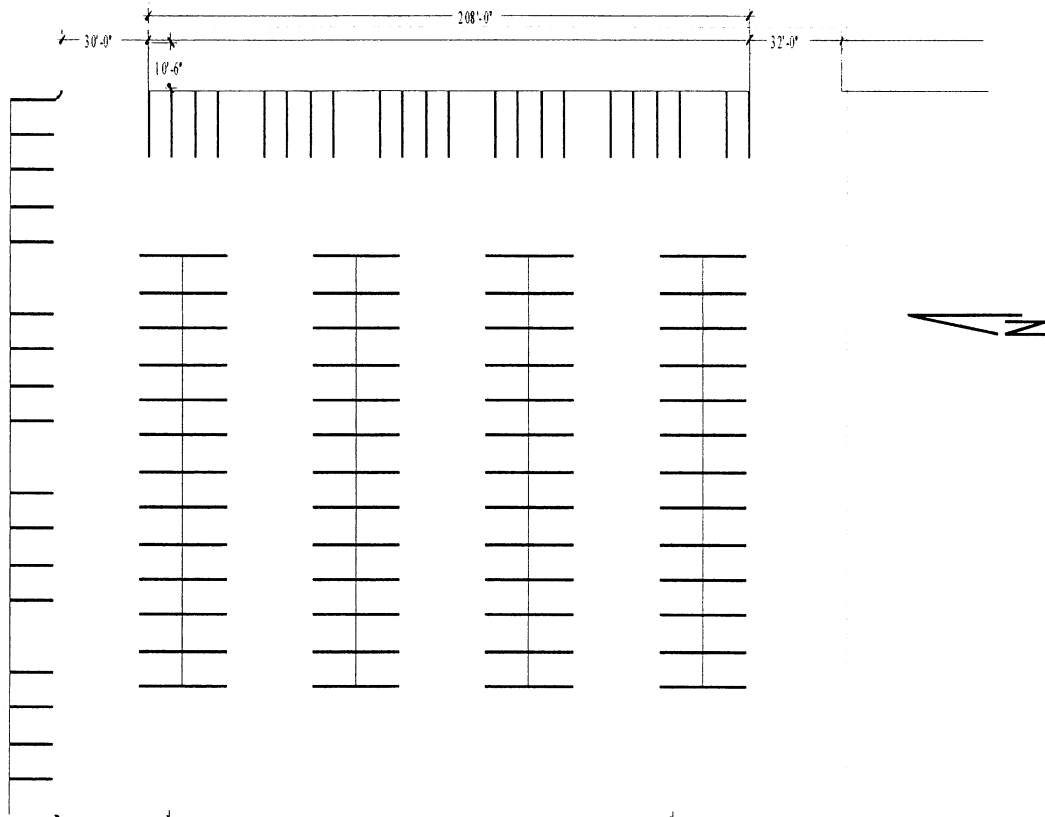
11 - BASEMENT 42,328.96 #
 * INCLUDES 533 # FOR MAINTENANCE ROOM AND STAIR FROM BASEMENT

LESSOR MAY PROVIDE IN ADDITION TO FIRST FLOOR BUILDING AREA DOWN LOWER LEVEL SPACE TO BE USED FOR BOWLING, OFFICE OR OTHER PURPOSES.
 TENANT AREAS, SIZES & LOCATIONS SHOWN ARE SUBJECT TO CHANGE BROUGHT ABOUT BY LEASE NEGOTIATIONS.
 ROADWAY LOCATIONS, PARKING AREAS, ACCESS ROADS & OTHER SITE DETAILS SHOWN ON THIS PLAN ARE NOT EXACT AND ARE SUBJECT TO CHANGE.

Plot Plan of Existing Site
4610 Kenmore Avenue

SCP 2003-0116

Kenmore Avenue



Access Road

7-11 Store # 23000 Market # 1811
 1702 South 8th Street @ Arden
 Colorado Springs, CO 80906

THIS IS NOT A LEGAL DOCUMENT. THE INTENT IS
 TO SHOW CURRENT EQUIPMENT CONFIGURATION.

SWP 2003-0116



Photo of Existing Condition
4610 Kenmore Avenue

KENMOUL

